

STEVEN B. KILLPACK, Federal Defender (#1808)  
HENRI SISNEROS, Assistant Federal Defender (#6653)  
**UTAH FEDERAL DEFENDER OFFICE**  
American Towers Plaza  
46 West Broadway, Suite 110  
Salt Lake City, Utah 84101  
Telephone: (801) 524-4010

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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID WAITE,

Defendant.

**FORMAL REQUEST FOR DISCOVERY**

Case No. 2:09 CR 290 DAK

Honorable Dale A. Kimball

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Defendant, David Waite, by and through his counsel of record, Henri Sisneros, hereby requests discovery pursuant to Rule 16, Federal Rules of Criminal Procedure and the Due Process Clauses of the United States Constitution.

1. Any electronic or any other recording of the transaction involving Mr. Waite on June 29, 2007.

2. The photographs indicated on p. 192 of the discovery (if such photographs have been previously provided, please indicate where they are located).

3. Any report or any other recording prepared by SA Carpenter or SA Love of the transaction involving Mr. Waite on June 29, 2007.

4. Evidence and documentation possessed by Ted Gardiner related to the authenticity and/or legality of the artifacts allegedly transferred by the defendant in the instant indictment.

5. Evidence and documentation of previous ownership of the artifacts allegedly transferred by the defendant in the instant indictment, particularly, but not limited to, documentation possessed by Ted Gardiner indicating his prior ownership of the subject artifacts.

6. Evidence and documentation of Gardiner Antiquities guarantee of the legality and/or authenticity of any artifacts possessed, sold, or otherwise handled by that company.

7. The "address book document" indicated in a 302 dated Nov. 19, 2006, page 4.

8. Investigations involving the defendant, including those which may not have resulted in indictment.

9. Investigations involving the artifacts at issue in the above-cited case, including those which may not have resulted in indictment.

10. All discovery related to investigations or case files notated as 270D-SU-63007.

11. The above list, as well as other appropriate discovery, must be provided on an ongoing and continuous basis throughout these proceedings.

DATED this 15<sup>th</sup> day of June, 2010.

/s/ Henri Sisneros

HENRI SISNEROS

Assistant Federal Defender

**CERTIFICATE OF DELIVERY**

I HEREBY CERTIFY that on the 15<sup>th</sup> day of June, 2010, a true and correct copy of the foregoing **FORMAL REQUEST FOR DISCOVERY** was electronically filed with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the following:

Carlie Christensen  
First Assistant United States Attorney

Richard D. McKelvie  
Assistant United States Attorney

Cy H. Castle  
Assistant United States Attorney

/s/ V. Williams

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